



PATENT
ATTORNEY DOCKET NO.: MBM1420

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15

Applicants: Mills and Jandt
Application No.: 09/509,433
Filed: May 30, 2000
Title: OPTICAL IRRADIATION DEVICE LED AND OPTIC FIBRES
(As Amended)

Art Unit: 2875
Examiner: I. Negron

RECEIVED

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 13 2005

OFFICE OF PETITIONS

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION PURSUANT TO 37 CFR § 1.137(b)**

Sir:

Applicant submits this Petition under 37 C.F.R. §1.137(b) for revival of the above-identified application, which was unintentionally abandoned on November 2, 2001, for failure to properly respond to the Office Action mailed October 2, 2000.

Submitted herewith, as required by C.F.R. §1.137(b)(1-4), are the following:

1. Request for Continued Examination in Response to the outstanding Final Office Action mailed January 15, 2002 and Advisory Action mailed April 26, 2002;
2. The petition fee pursuant to C.F.R. §1.17(m) and the Request for Continuation fee pursuant to C.F.R. §1.17(e);

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, July 7, 2005, in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Aldon Griffis</u> (Name of Person Mailing Paper)	
<u>Aldon Griffis</u> (Signature) July 7, 2005 (Date)	

07/12/2005 MAHMED1 00000069 09509433

01 FC:1453

1500.00 OP

In re Application of:
Mills and Jandt
Application No.: 09/509,433
Filed: May 30, 2000
Page 2

PATENT
Attorney Docket No.: MBM1420

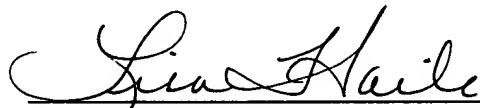
3. A statement that the entire delay in filing the required reply, from the due date to the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b), was unintentional; and
4. Copy of the Notice of Abandonment.

Applicant respectfully petitions for revival of the above-identified application.

Enclosed is Check No. 578209 in the amount of \$2,290.00; consisting of \$1,500.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. § 1.17(m) and \$790.00 for the fee to request continuing examination under 37 C.F.R. § 1.17(e). The Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

Date: July 7, 2005



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO Customer Number 28213
DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133



PATENT
ATTORNEY DOCKET NO.: MBM1420

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mills and Jandt Art Unit: 2875
Application No.: 09/509,433 Examiner: I. Negron
Filed: May 30, 2000
Title: OPTICAL IRRADIATION DEVICE LED AND OPTIC FIBRES
(As Amended)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT ACCOMPANYING PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION
PURSUANT TO 37 C.F.R. §1.137(b)**

RECEIVED

JUL 13 2005

Sir:

OFFICE OF PETITIONS

The above identified application became abandoned for alleged failure to timely submit a proper reply to the final rejection mailed January 15, 2002, specifically submission of an amendment which timely placed the application in condition for allowance, submission of a timely filed Notice of Appeal or submission of a timely filed Request for Continued Examination (RCE). It is respectfully submitted that the failure to submit an aforementioned timely response was unintentional.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>July 7, 2005</u> , in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Aldon Griffis</u> (Name of Person Mailing Paper)	
<u>Aldon Griffis</u> (Signature)	July 7, 2005 (Date)

In re Application of:
Mills and Jandt
Application No.: 09/509,433
Filed: May 30, 2000
Page 2

PATENT
Attorney Docket No.: MBM1420

In prosecution of the present application, a Final Office Action was mailed on January 15, 2002 to the law firm of Reising, Ethington, Barnes, Kisselle, Learman & McCulloch. Responses after final were timely mailed by Applicants on March 15, 2002 and March 18, 2002, but did not include a Notice of Appeal.

On December 16, 2004, Assignee TIR Systems, Inc. obtained rights for this patent application. On March 8, 2005, TIR Systems, Inc. obtained a copy of the file wrapper for the above-identified application from the U.S. Patent and Trademark Office (USPTO). It was apparent from the Notice of Abandonment mailed October 1, 2002 that a reply such as a Notice of Appeal, continuing application or RCE had not been filed with the USPTO in this matter.

Upon receipt of the file wrapper materials for the above-identified application, applicants began preparation of the present petition. The failure to file a Notice of Appeal was unintentional, as Assignee TIR Systems, Inc. would have filed a Notice of Appeal, had they been the assignee at the time and realized it had not been previously filed. The delay between the receipt of the Notice of Abandonment and the filing of the present petition is due to the time required to investigate the situation and prepare the present petition based on the date of receipt of file wrapper materials by Assignee TIR Systems, Inc. Accompanying this Statement are a Petition for Revival of an Unintentionally Abandoned Application and a Request for Continuing Examination in lieu of a Notice of Appeal.

Enclosed is Check No. 578209 in the amount of \$2,290.00; which consists of \$1,500.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. § 1.17(m), and \$790.00 for the fee to request continuing examination under 37 C.F.R. § 1.17(e). No additional fees are believed due with the present petition. However, the Commissioner is hereby authorized to charge any additional fees associated herewith, or credit any overpayment,

In re Application of:
Mills and Jandt
Application No.: 09/509,433
Filed: May 30, 2000
Page 3

PATENT
Attorney Docket No.: MBM1420

to Deposit Account No. 07-1896. The Examiner is invited to discuss any of the issues raised herein with Applicant's representative, who can be reached at (858) 677-1456.

Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO Customer Number 28213
DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133